

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

Mealadey Lorraine Kim-Eap,

No. C 12-80166 MISC CW

Petitioner,

ORDER DIRECTING
PETITIONER TO SERVE
MOTION TO CHANGE DATE OF
BIRTH ON CERTIFICATE OF
NATURALIZATION

v.

U.S. Citizenship and Immigration
Services, District Director of
the Nebraska Service Center,

Respondent.

_____/

Petitioner Mealadey Lorraine Kim-Eap, appearing pro se, has filed a motion to change the date of birth on her certificate of naturalization from July 23, 1952 to July 23, 1947. The Court hereby construes the motion as a petition for writ of mandamus to correct her certificate of naturalization pursuant to 28 U.S.C. § 1361. Further, the Court hereby corrects the misnomer of responding party "U.S. Citizenship and Naturalization Services, Nebraska, Service Center," as named in the motion, to name "United States Citizenship and Immigration Services, District Director of the Nebraska Service Center" as the Respondent.

Petitioner is hereby ordered to serve a copy of the "Motion to Change my Date of Birth in my Certificate of Naturalization," filed July 13, 2012, the supplemental Motion filed August 23, 2012, and this Order on the United States Citizenship and Immigration Services ("USCIS"), in compliance with Federal Rule of Civil Procedure 4(i)(1) and (2) which provides as follows:

1 **(i) Serving the United States and Its Agencies,**
2 **Corporations, Officers, or Employees.**

3 **(1) United States.** To serve the United States,
4 a party must:

5 (A)(i) deliver a copy of the summons and
6 of the complaint to the United States attorney
7 for the district where the action is brought--
8 or to an assistant United States attorney or
9 clerical employee whom the United States
10 attorney designates in a writing filed with
11 the court clerk -- or

12 (ii) send a copy of each by registered or
13 certified mail to the civil-process clerk at
14 the United States attorney's office;

15 (B) send a copy of each by registered or
16 certified mail to the Attorney General of the
17 United States at Washington, D.C.; and

18 (C) if the action challenges an order of
19 a nonparty agency or officer of the United
20 States, send a copy of each by registered or
21 certified mail to the agency or officer.

22 **(2) Agency; Corporation; Officer or Employee**
23 **Sued in an Official Capacity.** To serve a United
24 States agency or corporation, or a United States
25 officer or employee sued only in an official
26 capacity, a party must serve the United States and
27 also send a copy of the summons and of the
28

1 complaint by registered or certified mail to the
2 agency, corporation, officer, or employee.

3 Fed. R. Civ. P. 4(i)(1) and (2).

4 USCIS shall file a response to Petitioner's motion to correct
5 the date of birth on her certificate of naturalization within
6 sixty (60) days after service.

7 IT IS SO ORDERED.

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9 Dated: 10/10/2012


CLAUDIA WILKEN
United States District Judge

United States District Court
For the Northern District of California

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